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DATE: April 30, 2004

PTO IDENTIFIER: Application Number 09/866,379

Examiner: D.Ramirez

Art Unit 1652

Inventor: Jay M. SHORT et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: MORRISON &amp; FOERSTER LLP

Gregory P. Einhorn

PHONE: (858) 720-5133

Attorney Dkt. #: 564462001822

PAGES (Including Cover Sheet): 6

CONTENTS: Notice of Appeal with copy of previously filed Petition for Extension of Time (2 pages + 1 copy for fee processing);  
Transmittal (1 page)

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## MORRISON &amp; FOERSTER LLP

3811 Valley Centre Drive, Suite 500, San Diego, California 92130  
Telephone: (858) 720-5100 Facsimile: (858) 720-5125

PTO/SB/21 (08-03)

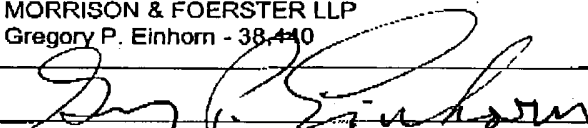
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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/866,379	
	Filing Date	May 24, 2001	
	First Named Inventor	Jay M. SHORT	
	Art Unit	1652	
	Examiner Name	D. Ramirez	
Total Number of Pages in This Submission	5	Attorney Docket Number	564462001822

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<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief - with copy of Petition for Extension previously filed - 2 pgs. Plus 1 copy for fee processing)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 38,440	
Signature		
Date	April 30, 2004	

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4/30/04 Jeanne Amour  
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SD-197106

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 564462001822	
In re Application of Jay M. SHORT et al.			
Application Number 09/866,379		Filed May 24, 2001	
For RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF			
Art Unit 1652		Examiner D. Ramirez	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 165.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) was filed with applicant's After Final Response filed April 13, 2003 a copy of which is attached.

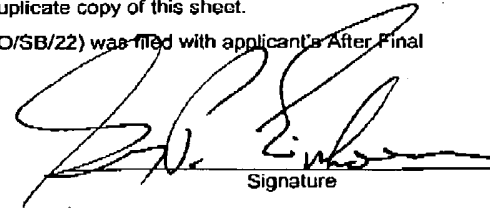
I am the

☐ applicant /inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). 38,440

  
Signature

Gregory P. Einhorn  
Typed or printed name

(858) 720-5133  
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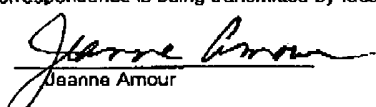
April 30, 2004  
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of 1 forms are submitted.

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